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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91219570
Party	Plaintiff John Paul Uceda, Mario Uceda, Doris Uceda, Juan J. Uceda, Ines Uceda and Charo Uceda
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Submission	Motion to Extend
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Date	08/06/2015
Attachments	Opposition to Motion for Extension of Time.pdf(135542 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

JUAN J. UCEDA, INES UCEDA,
CHARO UCEDA, DORIS UCEDA, JOHN
PAUL UCEDA, and MARIO UCEDA,

Opposition No. 91219570

Opposers,

vs.

UCEDA INSTITUTE, INC.,

Applicant,

**THE OPPOSERS' OPPOSITION TO APPLICANT'S MOTION FOR
60-DAY EXTENSION OF TIME TO FILE ANSWER**

The Opposers, Juan J. Uceda, Ines Uceda, Charo Uceda, Doris Uceda, John Paul Uceda, and Mario Uceda, oppose the motion dated August 4, 2015, by the Applicant for a 60-day extension of the time to answer the Notice of Opposition herein. Contrary to the statement contained in the Applicant's motion, the parties are not engaged in settlement discussions and there are no bases to further extend the Applicant's time to respond.

The Opposers filed their Notice of Opposition on December 2, 2014. Thereafter, the parties embarked on preliminary settlement discussions. The Applicant indicated a desire to resolve the issues between the parties without full litigation, and the Opposers consented to an extension of the time to respond to April 11, 2015. Representatives of the parties met and conferred in person on or about February 19, 2015. This resulted in the preparation by the Applicant of a lengthy settlement discussion document on or about March 2, 2015. The Opposers responded to the Applicant's settlement document on March 24, 2015. Because the initial

scheduling order provided that the Applicant's response to the Opposition was due on April 11, 2015, the Opposers consented to a 60-day extension to June 10, 2015.

After the Board granted the consent application for an extension, it became abundantly clear that the parties were at impasse over at least one critical issue, and the Applicant had not even responded to many of the Opposers' other serious concerns. On June 2, 2015, the undersigned sent to the Applicant's attorney an email setting forth some of the major open issues, stating

"Nikki,

I have communicated with one of the accountants for our clients, who suggested that we form a limited liability company to hold the marks.

My clients wish me to confirm that there is agreement on certain major points before running up significant legal fees drafting organization and operating documents.

1. Carlos Uceda proposed a 5 mile radius for existing stores in the tri-state area. My clients counter-proposed 20 miles. Does Carlos accept 20 miles?
2. Carlos Uceda owns uceda.edu and uceda.org. Will he transfer these domain names to the holding entity?
3. In the event that the new entity decides to offer a historical context to the public about the organization, does Carlos Uceda have any requirements about how he and his relationship to the Uceda organization will be described?
4. Is Carlos Uceda willing to agree on a marketing/advertising radius between existing locations at the midpoint between the schools?

At the same time, we would like to know in advance if Carlos Uceda has any absolute deal points on which he will insist.

Thank you for your attention to this matter."

The Applicant was unwilling or unable to respond to this email, but instead submitted a motion on June 8, 2015 for an additional 60-day extension, without the Opposers' consent. The Board granted the Applicant's motion, and extended its time to respond to the Notice of Opposition to August 10, 2015.

Applicant made no effort to advance settlement for three weeks after filing its June 8 motion to extend. On July 3, 2015, approximately one month after the Opposers' June 2, 2015 email, Applicant finally responded to one of the points raised in the email, and ignored the other points. The undersigned responded on July 3, 2015 as follows (in pertinent part): "Nikki, our clients disagree fundamentally as to the "historical context" and I think that you would be correct in characterizing that disagreement as an impasse. That is why I suggested in my last email that you will probably have to respond to the notice of opposition."

Instead of responding to the Notice of Opposition or addressing any of the open issues between the parties, the Applicant circumvented the parties' agreement that all settlement discussions would be held only among the attorneys and secretly lobbied Juan J. Uceda, one of the Opposers. On July 31, 2015, after another month of inactivity by the Applicant, the Applicant's attorney reported to the undersigned that the Applicant was willing to settle. However, when details were provided, it was clear that only one of the issues set forth in the June 2, 2015 email was even addressed, and even the issue allegedly resolved was not in fact fully resolved.

In a telephone call on August 3, 2015, the undersigned explained to the Applicant's attorney that substantially all of the issues remained open, including the major issues raised in the Opposers' June 2 email. The Applicant's attorney responded by sending the August 3 email, a copy of which is attached to the Applicant's motion. That email misstates the substance of the conversation with the undersigned. In particular, the Opposers made it abundantly clear that, because the Applicant never responded to the Opposers' March 24, 2015 response to Applicant's settlement document, every issue was still on the table and remained unresolved.

Nevertheless, counsel for the Applicant assures the Board that the parties are moving toward settlement, and another extension is warranted. Nothing could be further from the truth. *After* filing its most recent motion, the Applicant's attorney finally responded, for the first time, to three of the issues addressed in the Opposers' June 2 email. The Applicant's responses were completely unsatisfactory, and the Opposers immediately rejected them.

The parties are not moving toward settlement. There are no proposals or counter-proposals currently under discussion. The Applicant has used prior extensions to delay this proceeding, not to engage in good faith settlement negotiations.

The Opposers respectfully request that the Motion to Extend be denied. If the Board grants the motion, the Opposers respectfully request that the Board direct that no further extensions will be granted except with the consent of the Opposers.

WHEREFORE, the Opposers respectfully request that the application for an extension of time to respond to the Notice of Opposition be denied.

Dated: August 6, 2015

Respectfully submitted,

ARTHUR R. LEHMAN, L.L.C.

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CERTIFICATE OF SERVICE

It is hereby certified that on August 6, 2015, a copy of the foregoing THE OPPOSERS' OPPOSITION TO THE APPLICANT'S MOTION FOR 60-DAY EXTENSION OF TIME TO ANSWER was served upon the following counsel of record for the Applicant via email sent to the following email addresses provided by Applicant's counsel:

nsiesel@trademarklawesq.com, lawmessina@aol.com

/s/ Arthur R. Lehman

Arthur R. Lehman